

Devon Zastrow Newman, OSB #014627

Email: dnewman@schwabe.com

Catherine B. Brinkman, OSB #002134

Email: cbrinkman@schwabe.com

SCHWABE, WILLIAMSON & WYATT, P.C.

1211 SW 5th Ave., Suite 1900

Portland, OR 97204

Telephone: 503-222-9981

Facsimile: 503-796-2900

Paul N. Tauger, *appearing pro hac vice*

Email: pnt@eclipsegrp.com

Anna M. Vradenburgh, *appearing pro hac vice*

Email: amv@eclipsegrp.com

THE ECLIPSE GROUP LLP

2020 Main Street, Suite 600

Irvine, CA 92614

Telephone: 949-851-5000 ext. 110

Facsimile: 949-851-5051

Attorneys for Defendant Tenza Trading Ltd.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

CALISTA ENTERPRISES LTD, a
Republic of Seychelles Company,

Plaintiff,

v.

TENZA TRADING LTD., a Cyprus
Company,

Defendant.

No. 3:13-cv-01045-SI

DECLARATION OF DEVON ZASTROW
NEWMAN IN SUPPORT OF TENZA
TRADING LTD.'S RESPONSE IN
OPPOSITION TO CALISTA'S MOTION FOR
LEAVE TO AMEND COMPLAINT TO
CORRECT CITATION IN HEADING

TENZA TRADING LTD., a Cyprus
Company,

Counterclaim Plaintiff,

v.

CALISTA ENTERPRISES LTD, a
Republic of Seychelles Company; and
ALEXANDER ZHUKOV, A
Czechoslovakian citizen,

Counterclaim Defendants.

I, Devon Zastrow Newman, declare that the following is true and correct:

1. I am one of the attorneys for Defendant and Counterclaim Plaintiff, Tenza Trading Ltd. ("Tenza") in the above-captioned case. I have personal knowledge of the facts and information set forth herein and if called as a witness I could and would testify accordingly. I make this declaration based upon my personal knowledge and belief in support of Tenza Trading Ltd's Response in Opposition to Calista's Motion for Leave to Amend Complaint to Correct Citation in Heading.

2. Counsel for the parties participated in two telephonic conferences pursuant to Fed. R. Civ. P. 26, on September 12 and September 18, 2013. During one of these conferences, Tenza's counsel asked, specifically, for the basis for Calista's prayer for monetary damages as the complaint does not specify damages for any count but generally alleges damages in the prayer. Attorney Matthew Shayefar stated for Calista that Section 1125 of the Anti-Cybersquatting Prevention Act ("ACPA") permits a prevailing party to seek a damage award,

and that Calista's damages claim was premised on that count of Calista's Complaint.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury pursuant to the laws of the United States.

Dated this 17th day of July, 2014.

s/ Devon Zastrow Newman
Devon Zastrow Newman